



HAND CARRY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rubin et al. Confirmation No.: 6519
Serial No.: 10/665,430 Art Unit: 1615
Filed: September 22, 2003 Examiner: S. Tran
For: Compositions for Treating Apnea and Attorney Docket No.: 4821-523 (JD 208423-
Related Disorders Containing Optically 999521)
Pure R(+) Ondansetron

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 30, 2006 of the Primary Examiner finally rejecting claims 21 and 23-34 of the above-identified application.

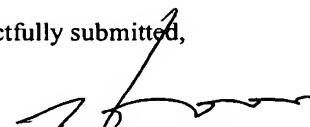
The item(s) checked below are appropriate:

1. An extension of time for responding to the final rejection for one month(s):
 was filed on
 is submitted herewith.
2. A timely response to the final rejection is filed herewith.
3. A fee in the amount of \$500.00 is:
 Required.
 Not required (Fee paid in prior appeal).
4. Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:
 Required.
 Not required (Fee paid in prior appeal).
5. Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: July 5, 2006

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